

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
14 December 2000 (14.12.2000)

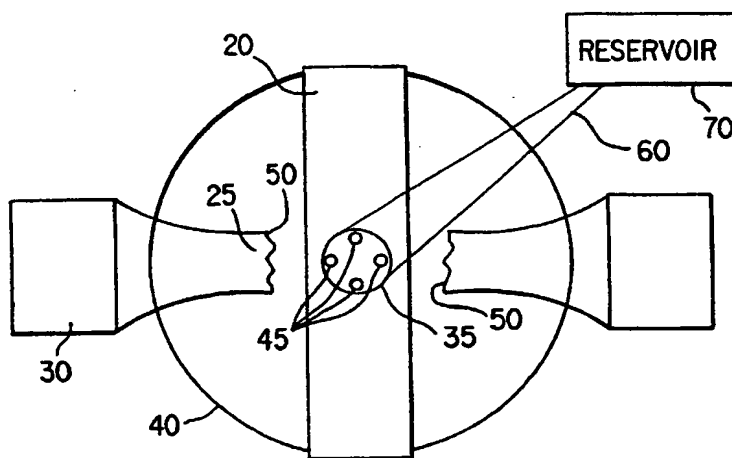
PCT

(10) International Publication Number
WO 00/74583 A1

- (51) International Patent Classification⁷: **A61B 18/20**, 10/00, 5/103
- (21) International Application Number: **PCT/US00/15665**
- (22) International Filing Date: **7 June 2000 (07.06.2000)**
- (25) Filing Language: **English**
- (26) Publication Language: **English**
- (30) Priority Data:
60/138,193 **9 June 1999 (09.06.1999)** **US**
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- (81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:
— With international search report.
— Before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments.

[Continued on next page]

(54) Title: SELF-REMOVING ENERGY ABSORBING STRUCTURE FOR THERMAL TISSUE ABLATION



(57) Abstract: A device to facilitate ablation of tissue, such as for forming one or more openings in the tissue for transdermal monitoring and/or delivery applications. The device comprises: (a) a support layer having at least one aperture therein, and (b) at least one energy absorbent film layer disposed over the at least one aperture in the support layer for making substantial contact with tissue through the aperture. The at least one energy absorbent film layer is under a tension force and absorbs energy focused thereon to thermally ablate the tissue. After ablation, the film layer breaks apart allowing access to the ablated tissue beneath it.

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**SELF-REMOVING ENERGY ABSORBING STRUCTURE FOR
THERMAL TISSUE ABLATION**

CROSS REFERENCE TO RELATED APPLICATION

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This application claims priority to U.S. Provisional Application Serial No. 60/138,193 filed June 9, 1999 which is incorporated by reference in its entirety.

FIELD OF THE INVENTION

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This invention relates to the field of tissue ablation for the formation of openings in the tissue. In particular, this invention relates to self-removing energy absorbing structures for achieving thermal tissue ablation.

15

BACKGROUND OF THE INVENTION

The flux of a drug or analyte across a biological tissue can be increased by changing the diffusion coefficient or the gradient for diffusion. Commonly, the flux is enhanced by increasing the permeability of the skin, such as by chemical penetration enhancers, iontophoresis, and poration techniques.

20

Thermal tissue ablation for forming openings in tissue is disclosed in commonly assigned U.S. Patent No. 5,885,211 to Eppstein, et al. There is room for improving the thermal tissue ablation process.

25

SUMMARY OF THE INVENTION

The present invention is directed to a device to facilitate ablation of tissue, such as for forming one or more openings in the tissue for transdermal monitoring and/or delivery applications. The device comprises: (a) a support layer having at

least one aperture therein, and (b) at least one energy absorbent film layer disposed over at least one aperture in the support layer for making substantial contact with tissue through the aperture. The at least one energy absorbent film layer is under a tension force over or across the aperture and absorbs energy focused thereon to thermally ablate the tissue. After ablation, and because it is under tension, the film layer breaks apart allowing access to the ablated tissue beneath it.

The present invention is further directed at a method for forming openings in a tissue comprising the steps of: (a) positioning a support layer having an aperture therein on a tissue; (b) positioning an energy absorbent film layer over the aperture to make substantial contact with the tissue through the aperture; and (c) focusing energy onto the energy absorbent film layer to conduct heat to the tissue thereby ablating the tissue.

The above and other advantages of the present invention will become more readily apparent when reference is made to the following description taken in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a perspective view of one embodiment of a portion of the device of the present invention.

Figure 2 is cross-sectional view taken through line A-A of Figure 1 and illustrating the relationship of the energy absorbent film to the tissue when suction is applied to the device.

Figure 3 is a top view of one embodiment of a portion of the device showing the energy absorbent film before it has been affected by energy.

Figure 4 is a top view of one embodiment of a portion of the device showing the energy absorbing layer after it has been affected by energy.

Figure 5 is a top view of one embodiment of a portion of the device used as part of a transdermal delivery system.

Figure 6 is a top view of one embodiment of a portion of the device used as part of a monitoring system.

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DETAILED DESCRIPTION OF THE INVENTION

The present invention may be understood more readily by reference to the following detailed description of various embodiments of the invention and the
10 Figures.

Before the present articles and methods are disclosed and described, it is to be understood that the terminology used herein is for the purpose of describing particular embodiments only and is not intended to be limiting. It must be noted that, as used in the specification and the appended claims, the singular forms "a,"
15 "an" and "the" include plural referents unless the context clearly dictates otherwise.

Ranges may be expressed herein as from "about" or "approximately" one particular value and/or to "about" or "approximately" another particular value. When such a range is expressed, another embodiment comprises from the one particular value and/or to the other particular value. Similarly, when values are
20 expressed as approximations, by use of the antecedent "about," it will be understood that the particular value forms another embodiment.

As used herein, "opening" means any size hole, aperture or pore of any depth, that is capable of substance transport therethrough. Inclusive in this term is at least one opening in the tissue sized no larger than about 1000 μm in diameter
25 called a micropore.

Throughout this application, where publications are referenced, the disclosures of these publications in their entireties are hereby incorporated by

reference into this application in order to more fully describe the state of the art to which this invention pertains.

Referring first to **Figures 1-3**, one embodiment of a portion of the present invention **100** is shown. The device **100** includes at least a support layer **7** and an
5 energy absorbent film layer **25**. Depending on the application of the device **100**, it also includes an optional assay reagent pad **20**. The energy absorbent film layer **25** is stretched or otherwise placed under tension across a hole or aperture **40** in the support layer **7**. At least one hole or aperture **35** is provided in the assay reagent pad **20** above the hole **40** and the energy absorbent film **25**. The hole(s) **35** may be
10 any shape or size to provide a suitable site for tissue ablation.

In one embodiment of the invention, the energy absorbent film layer **25** of **Figure 1** is held in place and under tension across the aperture **40** by at least one tension member **30**. This tension member(s) **30** may be constructed of any suitable material in any shape to create a tension force across the film **25**. In one form, at
15 least one tension member **30** is provided at one end of the energy absorbent film layer **25** and the other end is fixed to the support layer **7** by other suitable means, such as by glue or spot weld attachment. In another form, at least one tension member **30** is provided at both ends of the energy absorbent film layer **25** to hold it under tension across the aperture **40**. Examples of materials suitable for the
20 tension member(s) **30** include elastic, rubber, metal springs, or plastic springs or the like.

In another embodiment of the invention, tension members **30** are not needed and the film **25** is anchored directly to the support layer **7**. Such anchoring may be performed by any suitable means including adhesive bonding,
25 electromagnetic bonding, hot plate welding, induction bonding, insert bonding, radio-frequency sealing, spot welding, thermostacking, chemical bonding, thermo bonding, vibration welding or ultrasonic welding. Examples of film **25** suitable for

such use without tension members include pre-stretched mylar, rubber, silicone, polycarbonate, polyurethane, polyvinyl chloride, or polypropylene film.

The support layer 7 serves to support the film 25 across the aperture 40. As such, suitable materials for the support layer 7 include polyester, ceramic,
5 polycarbonate (PC), polyvinylchloride (PVC), and mixtures thereof. This support layer can be of any suitable thickness to maintain structural support for the film 25.

The optional assay reagent pad 20 serves to detect the presence of a substance in the fluid. For example, the assay reagent pad 20 may be useful in detecting the presence of an analyte (such as glucose) in blood or interstitial fluid.
10 The assay reagent pad 20 may be constructed of any suitable material, with as many layers or materials as necessary for detecting the presence of a substance in a fluid. Elements of the assay reagent pad include electrodes, one or more enzymes, and one or more indicators as is well known in the electrochemical biosensor art. The assay reagent pad 20 alternatively may be a type that is optically interrogated
15 to determine a measurement of an analyte. The assay reagent pad 20 may be attached to the film 25 or may be placed proximate to the film 25 such that the pad 20 is capable of fluid communication with the film 25.

The energy absorbent film layer 25 includes a layer of material that absorbs energy and heats up. As the energy absorbent film layer 25 is heated by a beam or
20 field 10 of energy, the film 25 transfers heat to the tissue by conduction, thereby ablating the tissue. One use of ablating the tissue is to form one or more openings in the tissue for transdermal monitoring or delivery applications. Thermal tissue ablation for forming openings is described more fully in U.S. Patent No. 5,885,211.

Any suitable energy may be used for the beam of energy 10 to heat the
25 energy absorbent film 25. In one embodiment, the beam of energy 10 is a beam of optical energy, which may for example be provided by a laser diode. In another embodiment, the energy 10 is comprised of electromagnetic energy, laser, gamma radiation, and/or beta radiation, etc.

The types of energy absorbing substances that are suitable for the film 25 include those disclosed in commonly assigned U.S. Patent No. 5,885,211, and in commonly assigned PCT/0599/04929, filed March 5, 1999, both of which are incorporated herein by reference in their entireties. Copper pythalocyanine doped film is an example of a suitable film 25 material. Alternatively, a clear film 25 with an absorbent adhesive layer can be used whereby the adhesive provides a positive attachment to the targeted tissue, and a thermal conduction path to the tissue. Once the aperture 40 is formed and the film 25 is retracted from the opening, the adhesive also serves to help stretch the aperture 40 and the attached tissues beneath the surface, increasing the flux rate to facilitate extraction or delivery of substances via the aperture 40.

The operation of the device will now be described with reference to **Figures 1-4**. As shown in **Figure 1**, a vacuum or suction 15 is applied (by a vacuum source not shown) to a region 27 of the device 100 so as to pull the tissue 5 up to contact the film 25 through the aperture 40 of the support layer 7 (**Figure 2**). The film 25 flexes to provide good physical contact with the underlying tissue 5 which is desirable to achieve efficient transfer of heat to the tissue when the energy absorbent film layer 25 is heated.

The beam or field 10 of energy is then directed onto the energy absorbent film 25. In response, the film 25 heats up and the heat in the film is transferred by conduction to the tissue 5, thereby ablating the tissue. As the film 25 absorbs the energy and transfers it to the tissue, eventually, because of the tension force, it breaks and separates across the aperture 40 as illustrated in **Figure 4**. The film 25 burns up as the thermal ablation process occurs and in so doing is weakened to be overcome by the tension force. This self-removal or self-separating feature of the film 25 allows access to the ablated area of the tissue to facilitate fluid communication with the opening(s) 45 without any additional steps.

Figure 5 depicts the device **100** used in connection with a transdermal delivery system wherein at least one drug or agent is delivered to the tissue **5** via the opening(s) in the tissue **45**. A reservoir **70** containing the at least one drug or agent may be in fluid communication with the opening(s) in the tissue **45** via a conduit **60**, such as tubing. Alternatively, the reservoir **70** may be integrally formed with the support layer **7** so that the at least one drug or agent can be delivered into the tissue **5** in a single step procedure with gravity or pressure forcing the drugs or agents into the tissue **5**.

Figure 6 shows the device **100** used in connection with a monitoring system. The assay reagent pad **20** may be located on the device **100** and connected (wired or wirelessly) to a monitoring apparatus **200**. Alternatively, the assay reagent pad **20** may be located remotely in the monitoring apparatus **200** and coupled via fluid conduit **60** that carries the fluid.

Whether the assay reagent pad **20** is located remote or proximate to the opening(s) in the tissue **45** depends on the specific application. Both embodiments are useful in discrete monitoring applications for analyzing fluid on a single use basis, as well as in continuous monitoring applications for continuously extracting and analyzing fluid over a longer term basis, such as several hours, days, etc. See, for example, International Application No. PCT/US99/16378, filed July 20, 1999, entitled "System and Method for Continuous Analyte Monitoring".

It will be apparent to those skilled in the art that various modifications and variations can be made in the present invention without departing from the scope or spirit of the invention. Other embodiments of the invention will be apparent to those skilled in the art from consideration of the specification and practice of the invention disclosed herein. It is intended that the specification and examples be considered as exemplary only, with the true scope and spirit of the invention being indicated by the following claims.

What is claimed is:

1. A device to facilitate thermal ablation of tissue, comprising:
 - (a) a support layer having at least one aperture therein; and
 - (b) at least one energy absorbent film layer disposed over the at least one aperture in the support layer for making substantial contact with tissue through the aperture, wherein the at least one energy absorbent film layer is under a tension force; and absorbs energy focused thereon to thermally ablate the tissue.
2. The device of claim 1, further comprising an assay pad disposed proximate the aperture in the support layer.
3. The device of claim 2, wherein the assay pad has at least one aperture aligned with the at least one aperture in the support layer.
4. The device of claim 1, wherein the energy absorbent film layer heats up by absorbing energy focused thereon and conducts heat to the tissue thereby ablating the tissue and causing it to break apart over the aperture.
5. The device of claim 1, and further comprising at least one tension member that holds the at least one energy absorbent film layer under tension over the aperture.
6. The device of claim 5, wherein the at least one tension member is comprised of a member selected from the group consisting of elastic, rubber, metal springs, or plastic springs.

7. The device of claim 1, further comprising a reservoir containing at least one drug or agent for release into the tissue.
8. The device of claim 1, wherein the support layer is comprised of: polyester, ceramic, polycarbonate (PC), polyvinylchloride (PVC), or mixtures thereof.
9. The device of claim 1, wherein the at least one energy absorbent film layer is comprised of copper pythalocyanine.
10. The device of claim 1, wherein the at least one energy absorbent film layer is anchored at ends thereof directly to the support layer.
11. The device of claim 1, wherein the at least one energy absorbent film layer is flexible so as to make contact with the tissue through the aperture when vacuum is applied over the aperture of the support layer.
12. The device of claim 1, wherein the energy absorbent film layer is responsive to energy from the group consisting of; electromagnetic energy, optical energy, gamma radiation, and/or beta radiation.
13. A method for forming openings in a tissue comprising the steps of:
 - (a) positioning a support layer having an aperture therein on a tissue;
 - (b) positioning an energy absorbent film layer over the aperture to make substantial contact with the tissue through the aperture; and
 - (c) focusing energy onto the at least one energy absorbent film layer to conduct heat to the tissue thereby ablating the tissue.

14. The method of claim 13, further comprising the step of applying vacuum over the aperture to draw the tissue into substantial physical contact with the energy absorbent film layer.
15. The method of claim 13, wherein the energy absorbent film layer breaks apart to provide access to the tissue via the aperture.
16. A method for analyzing fluid collected from tissue comprising the steps of claim 13, further comprising the step positioning an assay pad in fluid communication with the tissue via the aperture.
17. A method for delivery of at least one drug or agent into tissue comprising the steps of claim 13, further comprising the step of contacting the tissue with at least one drug or agent.
18. The method of claim 13, wherein the step of focusing energy comprises focusing energy selected from the group consisting of electromagnetic energy, optical energy, gamma radiation, or beta radiation.

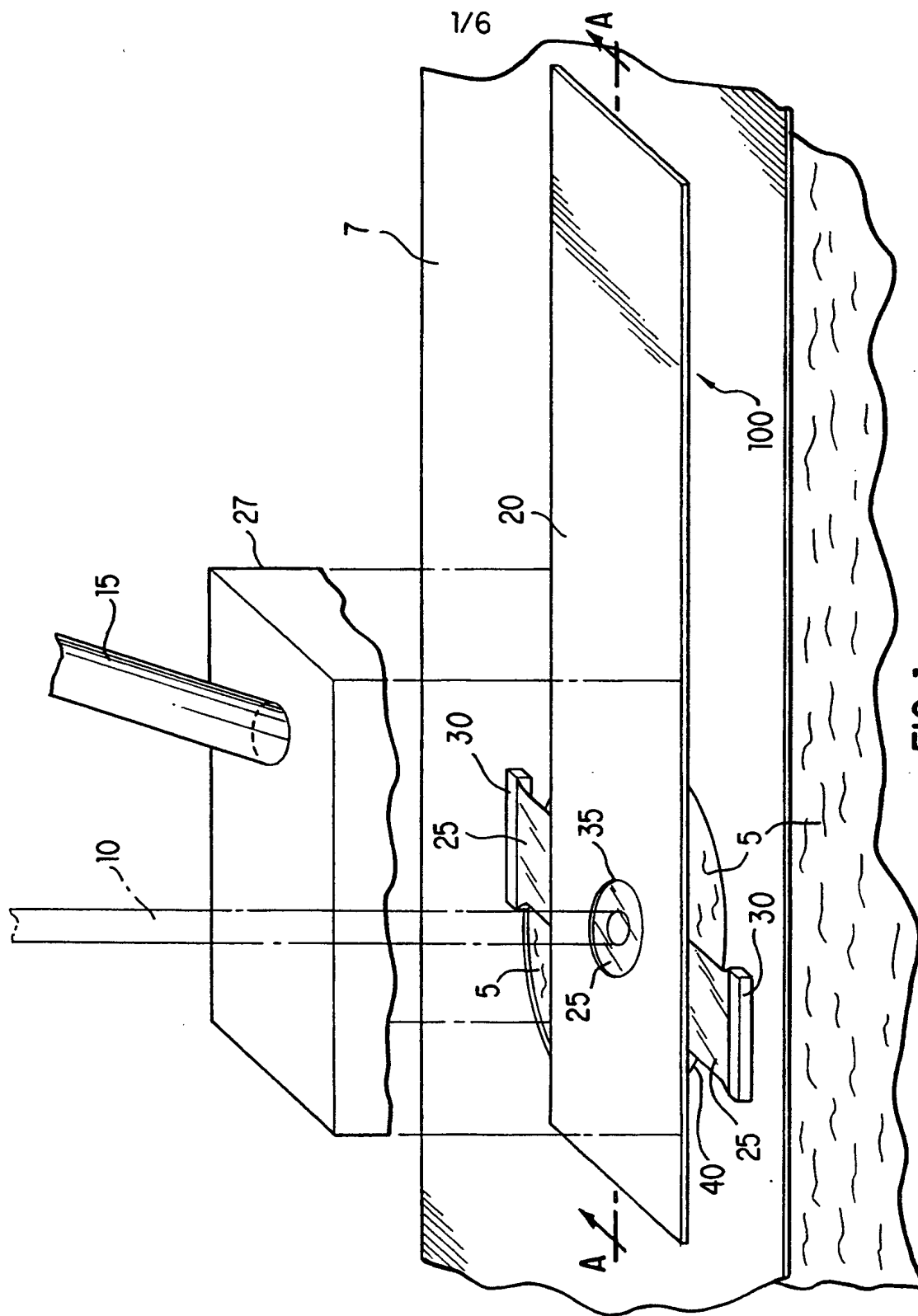


FIG. 1

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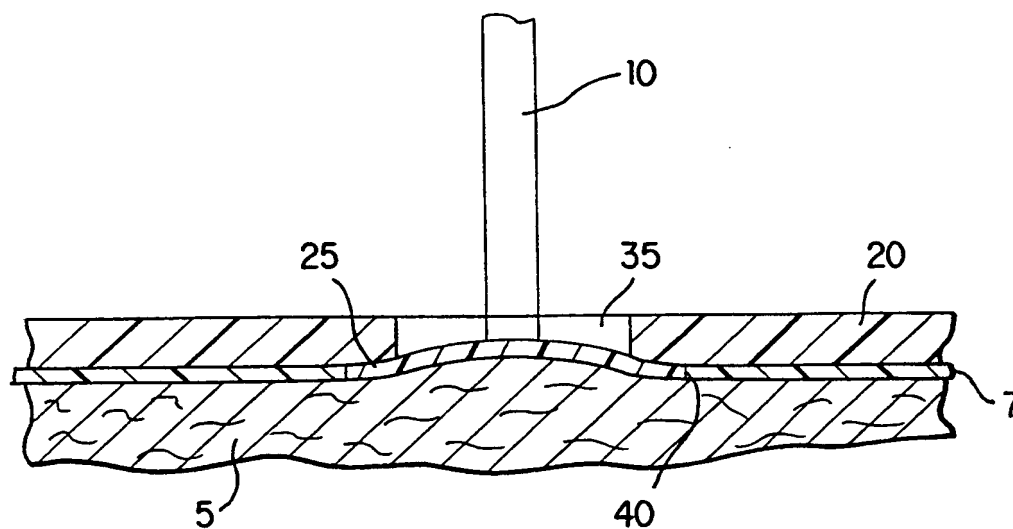


FIG. 2

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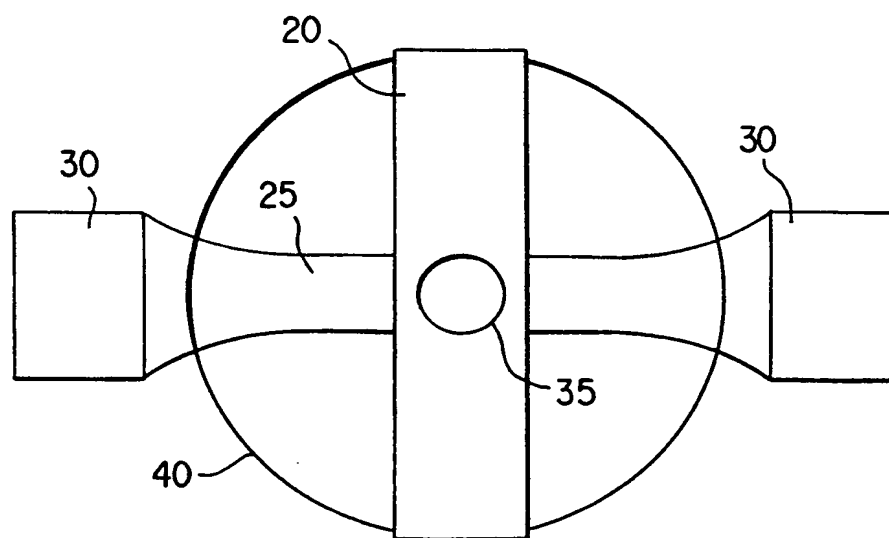


FIG. 3

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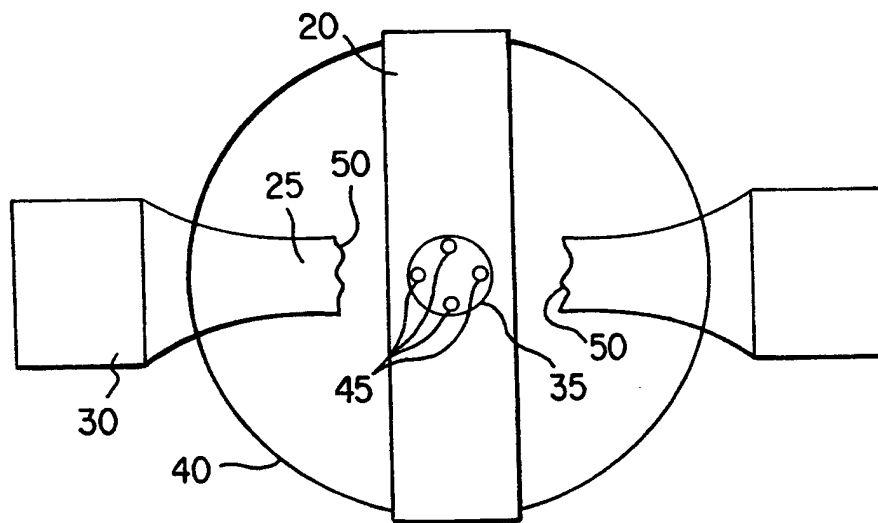


FIG. 4

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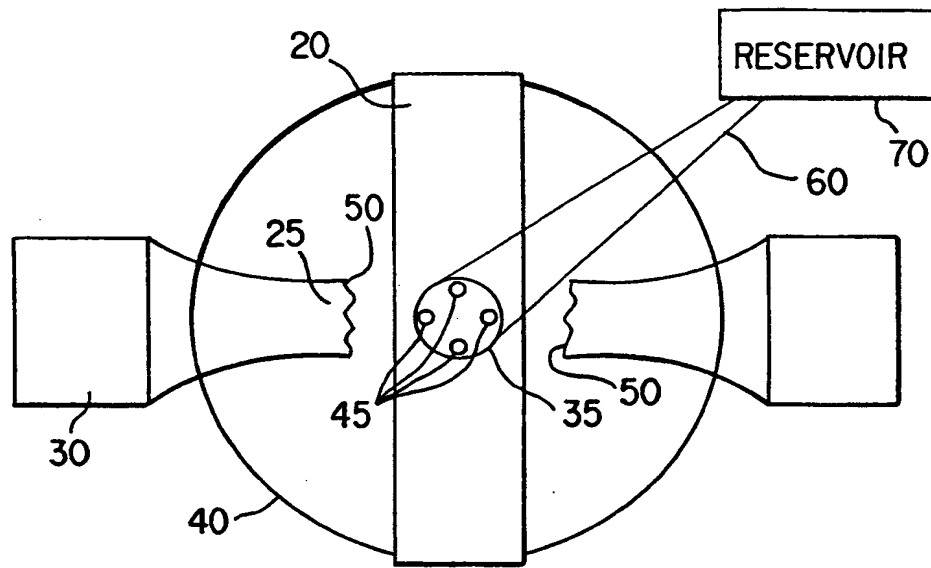


FIG. 5

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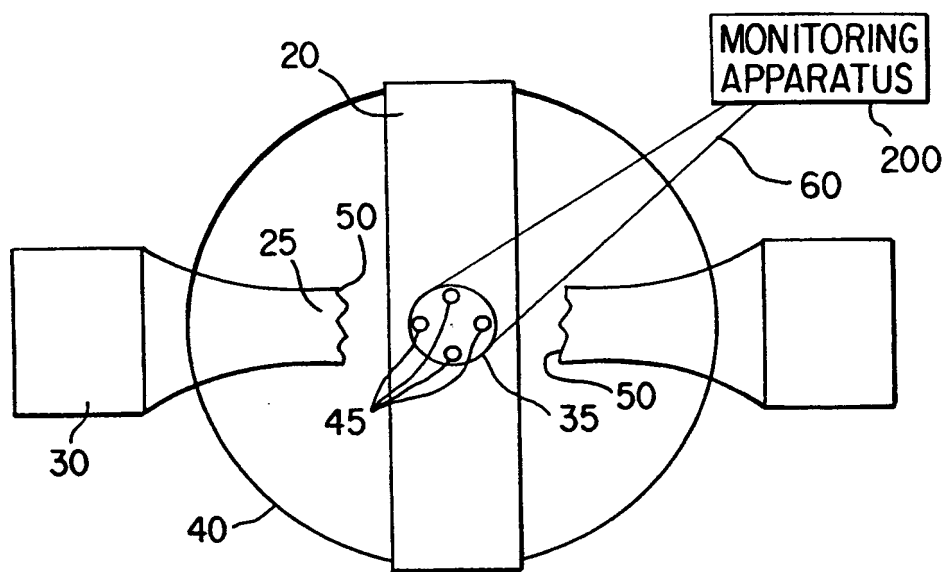


FIG. 6

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INTERNATIONAL SEARCH REPORT

Inte al Application No
PCT/US 00/15665

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61B18/20 A61B10/00 A61B5/103

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 643 252 A (FLOCK STEPHEN T ET AL) 1 July 1997 (1997-07-01) column 3, line 60 -column 4, line 13; figure 2 column 7, line 38 - line 67; figures 6-8 column 9, line 1 - line 16	1,4,8, 11,12
Y	—	7
Y	WO 98 42267 A (ABBOTT LAB) 1 October 1998 (1998-10-01) page 10, line 17 - line 24; figure 1	7
A	—	1
P,A	WO 99 40848 A (ABBOTT LAB) 19 August 1999 (1999-08-19) page 7, line 24 -page 8, line 17; figures 1,2	1,12
	— -/-	

☒ Further documents are listed in the continuation of box C.

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Date of the actual completion of the international search

5 October 2000

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17/10/2000

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INTERNATIONAL SEARCH REPORT

Int: 1st Application No
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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 885 211 A (EPPSTEIN JONATHAN A ET AL) 23 March 1999 (1999-03-23) abstract; figure 1	1
A	US 4 775 361 A (BLANK IRVIN H ET AL) 4 October 1988 (1988-10-04) column 1, line 22 - line 31	1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/15665

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5643252	A	01-07-1997	AU 5587694 A EP 0666726 A WO 9409713 A US 5839446 A JP 10501992 T	24-05-1994 16-08-1995 11-05-1994 24-11-1998 24-02-1998
WO 9842267	A	01-10-1998	US 6027496 A EP 1011490 A	22-02-2000 28-06-2000
WO 9940848	A	19-08-1999	NONE	
US 5885211	A	23-03-1999	US 5458140 A US 5445611 A AU 707065 B AU 6863196 A BR 9610012 A CA 2199002 A,C CN 1195276 A EP 0858285 A GB 2307414 A,B HK 1009321 A JP 11511360 T NO 980878 A WO 9707734 A US 5722397 A US 6018678 A	17-10-1995 29-08-1995 01-07-1999 19-03-1997 21-12-1999 01-03-1997 07-10-1998 19-08-1998 28-05-1997 28-05-1999 05-10-1999 27-04-1998 06-03-1997 03-03-1998 25-01-2000
US 4775361	A	04-10-1988	NONE	

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